

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-42 are presently active in this case, Claim 1 amended by way of the present amendment.

In the outstanding Official Action, Claims 1-6, 8, 11-18 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/37306 to Sirkis et al. in view of Patent No. 6,133,795 to Williams and U.S. Patent No. 6,766,279 to Linley et al.; Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sirkis, Williams and Linley et al., and further in view of U.S. Patent No. 5, 936,481 to Fujii; Claims 19-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sirkis in view of Williams and Linley, and further in view of JP 03263828 to Torii et al.; Claim 24 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form; and Claims 26-42 were allowed.

First, Applicants wish to thank Examiner Barbee for allowance of Claims 26-42 and the indication of allowable subject matter in dependent Claim 24. Applicants wish to maintain Claim 24 in dependent form at this time because Applicants believe that Claim 1, as amended, patentably defines over the cited references.

In addition, Applicants wish to thank Examiner Barbee for the August 14, 2006 telephone discussion at which time the outstanding issues in this case were discussed. During the discussion, Applicants explained that Claim 1 would be amended to positively recite “a programmable user interface connected to the controller, the programmable user interface selecting the at least one monitoring function and the at least one controlling function in a diagnostic system.” As discussed in the August 14th interview, this claim language requires that the user interface select at least one of a monitoring function and a controlling function,

rather than merely being capable of doing so. Thus, Claim 1 patentably defines over the cited references for similar reasons that led to allowance of the method claims in this case.

Further, the amendment to Claim 1 is taken directly from the Examiner's Statement of Reasons for Allowance in the final action. Therefore, Applicants respectfully request that this After Final amendment be entered as placing this case in condition for allowance.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch
Registration No. 32,829

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Edwin D. Garlepp
Registration No. 45,330

SPW/EDG/law
I:\ATTY\EDG\2312 - TOKYO ELECTRON\PC\PC 211A\262790US-AM.DOC